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**Minimal Nutritional Standards for Items Sold or Offered for Sale  
During the School Day in Grades K-8, Rule**

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**The Background:**

In 2004, the Tennessee General Assembly passed TCA §49-6-2307. The law required the State Board of Education in consultation and cooperation with the Department of Education and the Department of Health to promulgate rules to establish minimum nutritional standards for individual food items sold or offered for sale to pupils during the school day. In response to the legislation the State Board formed a task force to advise the board by drafting a rule.

The task force gathered state wide input from interested constituency groups and responded to comments submitted at the rulemaking hearing. At the April 2005 SBE meeting the board to accept proposed *rule 0520-1-6-.04 Minimum Nutritional Standards for Individual Food Items Sold or Offered for Sale to Pupils in Grades Pre-Kindergarten through eight (Pre-K-8)* on final reading.

Further, the rule requires:

*Within one year of the revision of the Dietary Guidelines for Americans (DGA), the State Board of Education, in consultation and cooperation with the Department of Education and the Department of Health, shall review these rules.*

The DGA were revised in 2005. The task force has reconvened and requests 2 immediate adjustments to correct oversights in the rule.

- 1) The federal school breakfast program must be included.
- 2) High schools with pre-kindergarten as the only grade below grade 9 should be excused from meeting the standards.

The task force will meet further to examine the rule for compliance with the DGA, discuss proposed changes and review rules implementation data.

**The Master Plan Connection:**

This item supports the master plan goal of providing the resources and supports necessary for students to achieve their learning goals. A healthy learning environment and good nutrition are essential for student physical and mental development.

**The Recommendation:**

The Nutritional Task Force recommends adoption of the two proposed rule changes on final reading. The SBE staff concurs with this recommendation.

## **Minimal Nutritional Standards Proposed Rule Changes**

### **Rule Change Request 1:**

The current rule omits the reimbursable school breakfast program.

Request the State Board of Education approve a change to rule 0520-1-6-.04 (3)(f ) that currently reads:

- (f) Individual food items that are part of a day's reimbursable school lunch program may be sold on that day as an a la carte item. All other school a la carte items are not to exceed the State Board of Education's standards for foods sold individually.

To:

- (f) Individual food items that are part of a day's reimbursable school lunch or part of the reimbursable school breakfast program may be sold on that day for that meal as an a la carte item. All other school a la carte items are not to exceed the State Board of Education's standards for foods sold individually.

### **Rule Change Request 2:**

Some pre-kindergarten classes are housed in high school buildings. The task force did not intend for high schools with pre-kindergarten students as the only non secondary students in the building be required to meet these standards.

Request the State Board of Education approve a change to rule 0520-1-6-.04 (4)(a) that currently reads:

- (a) Schools serving pre-kindergarten through grade 5, shall implement these rules no later than one year after the effective date of the rules.

To:

- (a) Schools serving pre-kindergarten through grade 5, shall implement these rules no later than one year after the effective date of the rules. This does not apply to high schools in which pre-kindergarten children are the only students in the building below grade 9.